IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6752 OF 2005

Shalini Mukund Kheradkar ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Sudatta J. Patil for the Applicant.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

WITH
CRIMINAL APPLICATION NO.6768 OF 2005

1. Vasant Balkrishna Kokale,
2. Ajay Vishwanath Shintre,
3. Jaysing Mahadev Jamdar,
4. Rajendra Basweshwar Shete,
5. Pandurang Baburao Kumbhar ...Applicants

Vs.
The State of Maharashtra ...Respondent

Shri T.S. Ingale for the Applicants.
Ms S. D. Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 21, 2005.

P.C.:

1. Both the Bail Applications may be conveniently decided by passing a common order as the Applications have been filed in the same offence.

2. The Applicants in Criminal Application No.6768 of 2005 are the Officers/employees of Tasgaon Urban Co-operative Bank, Sangli. The offence has been registered under sections 406, 408, 420, 421, 422, 467 read with section 34 of the Indian Penal Code on 02nd May, 2003 on the basis of the F.I.R. lodged by the Applicant No.3 in Criminal Application No.6768 of

2005.

3. It is case of the prosecution that the aforesaid co-operative bank used to give loan against the security of moveable and immovable property. It is case of the prosecution that the farmers in the area used to store dried grapes in cold storage of Vishweshwar Cold Storage Pvt. Ltd.

4. The Applicant in Criminal Application No.6752 of 2005 is a Director of the said company. There was an agreement between the bank and the said Company that whenever borrowers of the said bank used to store the products in the cold storage, the company used to issue storage receipt which was to be kept as a security by the bank for grant of loan. The allegation in the present case is that one Sunil Pailwan was granted loan against deposit of the dried grapes in the said cold storage and without the consent of the bank, the goods were removed and disposed of.

5. As far as the Applicants in the Criminal Application No.6768 of 2005 is concerned, all of them are the employees of the bank. In fact, the Applicant No.3 is the first informant. The police custodial remand was granted to the prosecution till 03rd

October, 2005. It is not in dispute that the entire prosecution case is based on documentary evidence and the original documents are in the custody of the Investigating Officer. For the offences committed in the year 2002, F.I.R. was lodged in September, 2003 by the Applicant No.3 and the Applicants were arrested on 29th September, 2005. The period of police custodial remand of the Applicants is already completed and they have remanded to magisterial custody.

6. As far as the Applicant in Criminal Application No.6752 of 2005 is concerned, the Applicant is a thirty-five years old married woman. She is Director of the Company which runs the cold storage. As in earlier case, the entire record is with the Investigating Officer and continuation of the custody of the Applicant is not required.

7. In both the cases, no criminal antecedents of the Applicants have been pointed out. Hence, the Applicants are entitled to be enlarged on bail.

8. Hence, I pass the following order:

CRIMINAL APPLICATION NO.6752 OF 2005

i) The Applicant shall be enlarged on bail in connection with **C.R.No.58 of 2003 registered with Tasgaon Police Station,** subject to furnishing a personal bond of **Rs.10,000/-** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that till filing of the chargesheet the Applicant will remain present before the Investigating Officer on every Saturday between 04.00 p.m. to 06.00 p.m. and will co-operate for investigation.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of

opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

CRIMINAL APPLICATION NO.6768 OF 2005

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JUDGE